THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION NO.17236 OF 2007

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Date: 11.9.2007

Between:

Smt. S. Venkata Ratnamma … Petitioner.

And

The Station House Officer,
Renigunta Police Statioin,
Chittoor District. …. Respondents.

ORAL ORDER: **(per P. Swaroop Reddy, J)**

This Writ Petition is filed by one Smt. S. Venkata Ratnamma wife of S. Prasad for issuance of a writ of habeas corpus for production of the alleged detenus 1) Smt. S.Nagamani, wife of A. Venkatesh and 2) S. Prasad son of Subbarayudu, residents of Balapalli Village, Renigunta Mandal, Chittoor District alleging that they were detained by the respondent illegally.

The complaint of the petitioner is that on 11.7.2007 her sister Smt. Avuleti Nagamni lodged a complaint with the respondent complaining that the whereabouts of her husband A. Venkatessh are not known, that the SHO, Renigunta P.S. registered the same as a case in Cr.No.72 of 2007 under the heading 'man missing', but the police detained her sister Nagamani and the husband of the petitioner S. Prasad –detenu No.2, who accompanied Nagamani to the Police Station to lodge the complaint and they were not produced before the court of law and were illegally detained.

The Station House Officer, Renigunta P.S. filed a counter-affidavit stating that on 11.7.2007 the alleged detenu No.1 Nagamani lodged a complaint stating that her husband Venkatesh was missing from the midnight of 5.7.2007 from the house and the same was registered as Cr.No.72/2007 and that during the course of investigation it revealed that the alleged detenus - Nagamani and Prasad - are suspected to be responsible for missing of the husband of Nagamnai as Prasad was having illegal intimacy with Nagamani. The counter also says that on analyzing the call particulars relating to the cell

phones of both the detenus, they were subjected to Lie Detection Test at Forensic Science Laboratory, Hyderabad and report is awaited. It is further averred that the investigation done so far revealed that the detenus are responsible for the missing of Venkatesh and they are not revealing anything and the matter is still under investigation and only to pre-empt the police from further investigating into the matter, the writ petition is filed with false averments. The statement of the alleged detenu No.1 recorded by the Tahsildar, Renigunta Mandal is also filed along with the counter.

A perusal of the statement of the alleged detenu No.1 shows that she is not in illegal detention, that on suspicion that she and her sister's husband-detenu No.2 have illegal intimacy and, therefore, they might have done something to her husband and also on the suspicion that they are giving wrong information, they were taken to Hyderabad on 6.8.2007 to subject them to Lie Detection Test, that they underwent Lie Detection Test at Hyderabad on 6.8.2007, that on 7.8.2007 they returned to Renigunta and thereafter the police asked them to go away, that she was now residing at Balapalli, that Prasad went away towards Kodur on the ground that his younger brother-in-law is unwell and did not return as on the date of giving her statement and that after their return from Hyderabad after undergoing the Lie Detection Test neither herself nor Prasad were called by the police for further investigation.

The averments in the counter-affidavit and the statement of the alleged detenu Nagamani shows that on the suspicion entertained by the police that the alleged detenus might be responsible for the missing of Venkatesh who is no other than the husband of detenu No.1, they were interrogated and were also subjected to Lie Detection Test at Hyderabad and later they were let off and they are not in illegal

custody of the police. In view of the same, nothing remains to be adjudicated in this writ petition and the same is accordingly dismissed.

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A. GOPAL REDDY, J

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11th September, 2007 **P. SWAROOP REDDY, J**

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